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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,161	03/26/2004	Jason McKittrick	RUS0152	8348
7590 10/03/2007				
Valeo, Inc. Intellectual Property Department 4100 North Atlantic Boulevard Auburn Hills, MI 48326			EXAMINER KOEHLER, CHRISTOPHER M	
			ART UNIT 3726	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,161

Applicant(s)

MCKITTRICK ET AL.

Examiner

Christopher M. Koehler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24 and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/31/2007 has been entered.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 21-24 and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Tokutake et al. (EP0480628A1).

Claim 21:

Tokutake teaches a method for making a heat exchanger tank assembly (figure 16) comprising manufacturing a one-piece double baffle (307) comprising a tab (319) at an area of insertion, fold or bend on the double baffle having peripheral walls that form a central chamber after brazing the heat exchanger (when the baffle is brazed the baffle forms a central chamber, see figures 2 and 3 where the baffles form a closed portion of 3 between themselves); providing a heat exchanger end tank (3, 4, 103) which comprises a contact area comprising a deformation, perforation slot or other shaped mating hole (120) for insertion of the tab (319) of the double baffle and an interior side

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distal the contact area; aligning the tab of the baffle and the end tank contact area so that the tab may be inserted into the contact area; inserting the one-piece double baffle in the end tank at the contact area of the end tank; and applying a sealing technique (brazing, col. 12, lines 6-10) such that the baffle remains in place after the assembly process and the completed heat exchanger assembly may be used in automotive applications (col. 1, line 8), so that when assembled the central chamber width between the walls of the double baffle is larger near the contact area of the end tank than at the interior side.

Claim 22:

The tab is extended through the wall of the end tank to secure its position and form a seal supplemented by brazing (figure 16).

Claim 23:

The tab and the baffle are constructed to form a leak tight seal by brazing.

Claim 24:

See figure 16.

Claim 29:

Tokutake teaches a method for making a heat exchanger tank assembly (figure 16) comprising manufacturing a one-piece double baffle (307) comprising a tab (319) at an area of insertion, fold or bend on the double baffle having peripheral walls that form a central chamber (when the baffle is brazed the baffle forms a central chamber, see figures 2 and 3 where the baffles form a closed portion of 3 between themselves); providing a heat exchanger end tank (3, 4, 103) which comprises a contact area

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comprising a deformation, perforation slot or other shaped mating hole (120) for insertion of the tab (319) of the double baffle; providing a relief means (314) oriented such that after assembly the relief means is located contiguous with or throughout the thickness of the tab (314 will relief into the gap between the baffle faces and out of slot 110 of the tank); aligning the tab of the baffle and the end tank contact area so that the tab may be inserted into the contact area; inserting the one-piece double baffle in the end tank at the contact area of the end tank; and applying a sealing technique (brazing, col. 12, lines 6-10) such that the baffle remains in place after the assembly process and the completed heat exchanger assembly may be used in automotive applications (col. 1, line 8).

Claims 30-33:

Tokutake teaches that the relief means (314) is through the thickness of the tab (312, 319) at a location contiguous with the tab (110) and that the baffle is formed of one piece (figure 16).

Response to Arguments

4. Applicant's arguments filed 7/31/2007 have been fully considered but they are not persuasive. Applicant argues that Tokutake fails to teach a sealing technique, however as the examiner has cited above the baffle is brazed and therefore sealed. Applicant argues that the heat exchanger of Tokutake is not used in automotive applications, see paragraph 1 of the specification. The examiner has a different definition of the central chamber see above. The examiner has further elaborated on the characterization of the relief means.

Conclusion

5. This is a continued examination of applicant's earlier Application No. 10/810161. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571) 272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMK



DAVID P. BRYANT
SUPERVISORY PATENT EXAMINER

9/27/07